

Receipt Number

562882

9

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STACY CAIN,

Plaintiff,

v

EASTERN MICHIGAN UNIVERSITY,

Defendant.

Case: 2:07-cv-14131

Assigned To: Borman, Paul D

Referral Judge: Whalen, R. Steven

Filed: 09-28-2007 At 04:24 PM

CMP: CAIN V. EASTERN MI UNIV (NH)

HELVESTON & HELVESTON, P.C.

Mary Anne M. Helveston (P37653)

65 Cadillac Square, Suite 3327

Detroit, Michigan 48226

(313) 963-7220

mhelveston@helveston.com

COMPLAINT AND JURY DEMAND

NOW COME Plaintiff STACY CAIN, by and through her attorneys, HELVESTON & HELVESTON, P.C., and complains against the defendant as follows:

INTRODUCTION

1. This is an action to enforce rights pursuant to Title VII of the Civil Rights Act of 1964 (Title VII) and the Civil Rights Act of 1991(CRA).

PARTIES AND JURISDICTION

2. Plaintiff STACY CAIN, a female living in the city of Milan, Country of Washtenaw, State of Michigan was an employee of the Eastern Michigan University, a state university.

3. Defendant, EASTERN MICHIGAN UNIVERSITY, located in Ypsilanti, Michigan was Plaintiff's employer.

4. The Equal Employment Opportunity Commission issued a Final Agency Decision dismissing Plaintiff's claims on JULY 3 ,2007 2007 and advised her that she had 90 days to file a claim in Federal Court.

5. The amount in controversy exceeds seventy-five thousand dollars (\$75,000.00) exclusive of interest, costs and attorney fees.

GENERAL ALLEGATIONS

Statement of Facts

6. Plaintiff Sgt..STACY CAIN began her employment with Defendant, on July 17, 1986 as a police officer for Defendant University in Ypsilanti, Michigan.

7. Plaintiff was only one of only four or five females in a 25 person police force.

8. Throughout her employment, Ms. Cain always received average or above average performance evaluations.

9. She was recognized for her high achievement when she won the "Woman of the Year" and the "Gold Medallion Awards.

10. Throughout her tenure at Defendant university, she was singled out, treated differently than her male colleagues and held to higher standards:

a. Lower-tenured colleagues at her rank were regularly given more desirable work assignments than she was.

b. While her male colleagues were sent for training in areas which would increase their skills, Plaintiff Sgt. Cain was sent to courses designed for employees with poor performance records.

c. Chief Cindy Hall frequently assigned her to do personal errands for her.

11. On two occasions, she was terminated from her employment but then reinstated:

- a. In 1987, she was terminated for allegedly not supplying a doctor's note during her pregnancy but reinstated prior to arbitration.
- b. In 2000, she was falsely accused of stealing long-distance phone calls but reinstated after an arbitration.

12. Male officers who committed much more egregious misconduct received lesser discipline:

- a. One male was suspended for three days for leaving campus while he was on the job;
- b. Another, who lied about being in court and missing a hearing, received only a written reprimand;
- c. A third, who was off duty and waved a gun in a bar, assaulted Sgt. Cain and attempted to escape when he was being apprehended, was reinstated and promoted after the criminal case was dismissed because EMU had "lost" the gun, which had been locked up in the property room.

13. On July 8, 2006, while on duty on campus, she received a call for back up off campus from the Washtenaw County Sheriff under a mutual aid agreement the county had with Defendant.

14. Although she made a wrong turn on her way there and lost some time, she was told by dispatch to proceed to the scene because she was still needed.

15. Officer Norm Harrington, who was under her command, arrived at the crime scene before Plaintiff and was responsible for contaminating the scene.

16. As soon as Plaintiff arrived, she sent Officer Harrington back to the campus and proceeded to do her job until she was cleared to leave by the incident commander.

17. Plaintiff returned to the west campus area where she took a break at the St. Joseph's Hospital ER, where she remained for about an hour.

18. During the time she was inside the hospital, she remained in contact with dispatch.

19. The following day, she received a letter from her superior, Sgt. Heighes, accusing her of leaving the campus unprotected and ordering an investigation.

20. During the investigation, Plaintiff initially told the investigator that she had not gone inside the ER, since she went there frequently and did not remember that she had gone inside on that day, but corrected herself shortly thereafter.

21. On July 28, 2006, the investigative report was issued with the findings that Plaintiff:

- a. Had made false statements;
- b. Had been insubordinate and negligent;
- c. Had been inattentive to her duty for failing to supervise Harrington.

22. As a result of those findings, Plaintiff was terminated that day.

COUNT I

(Sex Discrimination)

23. Plaintiff repeats and realleges paragraphs one (1) through (22), as if set forth more specifically, paragraph by paragraph.

24. Under Title VII of the Civil Rights Act of 1964 "[I]t shall be an unlawful employment practice for an employer...to discriminate against any individual with respect to

compensation, the terms, conditions, or privileges of employment because of such individual's sex..." 42 U.S.C. §2000E-2(a)(1).

25. At all times relevant to this Complaint, Plaintiff, a woman, was an employee and Defendant was Plaintiff's employer.

26. As an employer, Defendant owed Plaintiff a duty, pursuant to Title VII, not to discriminate against her with respect to terms, conditions or privileges of employment because of her sex.

27. While employed by the defendant, Plaintiff was subjected to intentional sex discrimination and harassment in violation of Title VII in the following ways:

- a. She was treated differently than similarly situated male police officers.
- b. She received a much more severe discipline than her actions deserved.
- c. She was wrongfully terminated for acts less grievous than actions of other police officers who were not terminated.

DAMAGES

As a direct and proximate result of Defendant's unlawful employment practices and violations of statutory law, Plaintiff STACY CAIN has sustained and continues to sustain loss of earnings, seniority, promotional opportunities and/or upgrading and the accompanying decision-making responsibilities, professional standing and status in the community and has suffered irreparable harm to her career and upward mobility and the equal opportunity to pursue her gainful occupation and will so suffer in the future.

As a direct and proximate result of Defendant's unlawful employment practices and violations of statutory law, Plaintiff STACY CAIN has sustained and continues to sustain damages by way of extreme mental anguish, outrage, emotional distress, severe anxiety about

her future ability to support herself and family, painful humiliation and embarrassment among friends and co-workers, undermining of self esteem and motivation and loss of the ordinary pleasures of everyday life.

RELIEF REQUESTED

Plaintiff STACY CAIN respectfully requests that this Court order the following legal and equitable relief:

- Declare that Defendant has violated Title VII by denying her rights under that Act.
- Declare that Defendant has violated Title VII by discriminating against her because of her sex.
- Award her compensatory damages, including damages for loss of income, lost benefits and emotional distress.
- Award her costs and attorney fees.
- Award her any and all other relief that this Court deems just.

Respectfully submitted,

HELVESTON & HELVESTON, P.C.

Date *Sept. 28, 2007*


Mary Anne M. Helveston (P37653)
Attorney for Plaintiff
65 Cadillac Square, Ste 3327
Detroit, Mi 48226
(313) 963-7220
mhelveston@helveston.com

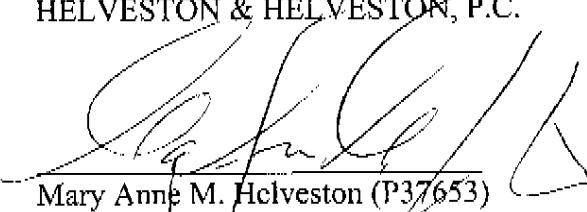
JURY DEMAND

Plaintiff, STACY CAIN, by and through her attorneys, hereby demands a trial by jury.

Respectfully Submitted,

HELVESTON & HELVESTON, P.C.

By:


Mary Anne M. Helveston (P37653)
Attorney for Plaintiff

Dated: *Sept. 28, 2007*

This cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as to local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Stacy Cain

DEFENDANTS

Eastern Michigan University

(b) County of Residence of First Listed Plaintiff Munroe
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Washtenaw

(c) Attorney's (Firm Name, Address, and Telephone Number)
Mary Anne M. Helveston (P37653)
Helveston & Helveston, P.C.
65 Cadillac Square, Suite 3327, Detroit, Michigan 48226

Case: 2:07-cv-14131
Assigned To: Borman, Paul D
Referral Judge: Whalen, R. Steven
Filed: 09-28-2007 At 04:24 PM
CMP: CAIN V. EASTERN MI UNIV (NH)

II. BASIS OF JURISDICTION (Select One Box Only)

1 U.S. Government Plaintiff
 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant
 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (SELECT ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FOREFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> PRISONER PETITIONS	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 891 Agricultural Acts
	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 892 Economic Stabilization Act
	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Energy Allocation Act
	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
			<input type="checkbox"/> FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	
			<input type="checkbox"/> SOCIAL SECURITY	
			<input type="checkbox"/> 861 HIA (1395f)	
			<input type="checkbox"/> 862 Black Lung (923)	
			<input type="checkbox"/> 863 DIWC/DIW (405(g))	
			<input type="checkbox"/> 864 SSID Title XVI	
			<input type="checkbox"/> 865 RSI (405(g))	

V. ORIGIN

(Select One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

Brief description of cause:

TITLE VII OF THE 1964 CIVIL RIGHTS ACT OF 1964
SEX DISCRIMINATION IN EMPLOYMENT

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

 Yes NoVIII. RELATED CASE(S)
IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

September 28, 2007

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

SIGNATURE OF ATTORNEY OR RECORD

Signature

ATTACHMENT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
